

REZONE REQUEST FOR:

Owner: BOLA TIE, LLC Peter Smith

Prepared by: Peak Group LLC, George Quinif

September 15, 2016

8.1 ACRES, 11294 N. LITCHFIELD RD.

SURPRISE, AZ 85379

TAX PARCEL – 501-39-024R

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Application Type Rezone Case Number FS16-350

Property owner Information:

Legal Owner: Bola Tie LLC, an Arizona limited liability company
Address: 14302 N 87th St. STE 104
City: Scottsdale State: AZ ZIP: 85260
Phone: _____ Fax: _____ E-mail: peter.d.smith@intel.com

Applicant Information:

Name: Bola Tie LLC c/o Peak Group LLC - George Quinif
Address: 5080 N. 40th St. # 205
City: Phoenix State: AZ ZIP: 85018
Phone: 602-952-0123 Fax: _____ E-mail: quinif@peakaz.com

Property Information:

Name of Development: 8.1 acres -11294 N Litchfield Rd.
Description of Request: Rezone from RR/R1-43 to Business Park - BP
Property Location/Address: 11294 N Litchfield Rd., Surprise, AZ
Parcel Numbers(s): 501-39-024R
Current Zoning: R1-43 Gross Acres: 8.1
Current Use: Vacant/Ag Proposed Use: none

Property owner and applicant authorization:

I (property owner) Peter D. Smith do hereby authorize (applicant/agent) George Quinif to file this application on all matters relating to this request with the City of Surprise. Additionally, I understand that any verbal or written communications on said application to other members of the development team is my responsibility. I request that all communications regarding this application be provided to the applicant.

Owner signature: Peter D. Smith Digitally signed by Peter D. Smith Date: 2016.08.08 14:43:09 -07'00' Date: 8/8/16

Proposition 207 Waiver:

In exchange for its processing of entitlements, the City of Surprise (the "City") requires that landowners execute a waiver of claims that may arise under Proposition 207 (A.R.S. §12-1134 *et seq.*). As a result of any requested City land use action. The waiver applies only to the action requested and does not diminish any other landowner rights that may exist prior to the request.

By signing this document, the undersigned owner(s) agree(s) and consent(s) to all the conditions imposed by the City of Surprise in conjunction with the approval of this application and acknowledge(s) that the approval might affect current or existing rights to use, divide, sell or possess the subject property, and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes §12-1134 that may now or in the future exist as a result of the approval of this application.

Owner Signature: Peter D. Smith Digitally signed by Peter D. Smith Date: 2016.08.08 14:43:42 -07'00' Date: _____

Case Inactivity:

Cases which are not active within six (6) months will be considered inactive and closed by staff. To pursue entitlement after the closing of the case, a new application and associated fees will be required.

DEVELOPMENT APPLICATION

Request:

Title of project: 8.1 acres 11294 N Litchfield Rd

Description of request: Rezone from RR/R1-43 to Business Park - BP

Property Information:

Property address (if known): 11294 N Litchfield Rd. Surprise AZ 85379

Property location: West side of Litchfield Rd. 1/2 mile south of Cactus Rd.

Parcel numbers(s): 501-39-024R Size in acres: 8.1 acres Lot range: _____

Subdivision name: N/A

Current zoning: RR/R1-43 Related case(s): _____

Applicant Information:

Name: Bola Tie LLC c/o Peak Group LLC Contact: George Quinif

Address: 5080 N. 40th St. # 205

City: Phoenix State: AZ ZIP: 85018

Phone: 602-952-0123 Fax: 602-952-2033 E-mail: quinif@peakaz.com

Property owner information:

Name: Bola Tie LLC Contact: Peter Smith

Address: 14302 N 87th St. STE 104

City: Scottsdale State: AZ ZIP: 85260

Phone: _____ Fax: _____ E-mail: peter.d.smith@intel.com

Property owner and applicant authorization:

I (property owner) Peter Smith - Manager do hereby authorize (applicant/agent) George Quinif - Peak Group to file this application on all matters relating to this request with the City of Surprise. Additionally, I understand that any verbal or written communications on said application to other members of the development team is my responsibility. I request that all communications regarding this application be provided to the applicant.

Property owner signature: Peter D Smith Date: 10/21/15

BOLA TIE LLC – Also known as the Smith Property

8.1 acres at 11294 N Litchfield Road, APN 501-39-024R

PROJECT OVERVIEW:

Bola Tie LLC, Peter Smith & Margene Finamore, respectfully request a rezone of the approximately 8.1 acres on the west side of Litchfield Rd. ½ mile south of Cactus Rd. in Surprise, Arizona, Maricopa Assessor's Parcel Number 501-39-024R. (Exhibit A)

The subject 8.1 acre parcel is currently zoned Rural Residential (RR/R1-43). The property is located beneath the Luke Air Force Base (AFB) 65 Day-Night Average Sound Level (Ldn) noise contour. This designation does not allow for residential uses in this area.

The applicant is the current owner. The property has been owned by the Smith family over 40 years. The subject parcel was excluded from previous sales and rezoning because it was the original homestead for the Smith and Finamore predecessors.

EXISTING SITE CONDITIONS:

The site is primarily vacant land with a single metal structure used for storage of farm equipment. The parcel is currently partially fenced.

The 8.1 acres site is approximately 275 feet wide by 1275 feet deep. The narrow and deep configuration could limit desirability and create development challenges.

Utilities are available to the site. These include water along the west side of Litchfield Road, sewer along the east side. Electricity and Natural Gas are readily available.

SURROUNDING LAND USES:

North – Vacant Land part of Kenly Farms II – Zoned non-residential PAD.

Southwest – Vacant Land part of Kenly Farms II – Zoned non-residential PAD.

Southeast – Vacant land – Zoned Rural Residential (RR/R1-43) – Currently owned by a church organization that has abandoned plans to build a worship facility and is considering selling the site.

East – zoned Public Facility (PF) - City of Surprise Special Planning Area (SPA) one (1) Wastewater Treatment Facility.

West – Vacant Land part of Kenly Farms II – Zoned non-residential PAD.

The subject site is surrounded on three sides by the Kenly Farms II property that is zoned Non-residential PAD. The PAD allows uses consistent with C-2, C-3, BP, and I-1 as defined in the City of Surprise Ordinance number 03-20 (Exhibit B).

EXISTING AND PROPOSED ZONING:

The current zoning is Rural Residential (RR/R1-43). The site is located beneath the 65 Ldn Luke flight contours. Arizona State law (ARS 28-81) prohibits residential use under the Luke AFB noise contours. The proposed rezoning to Business Park (BP) zoning would make this a more desirable development site while maintaining consistency with the surrounding zoning. (Existing and proposed zoning are shown on Exhibits C and D)

Identified as a gateway and a designated growth area, architectural and landscape elements would be designed to enhance this significant entry designation.

Dimensional requirements will meet the City of Surprise Zoning Code in place of time of design and construction.

The applicant requests the subject property described in Exhibit A be rezoned from Rural Residential (RR/R1-43) (Single Family Residential) to Business Park (BP) with all permitted and conditional uses allowed as defined in the City of Surprise Municipal Code. All uses must also be deemed compatible with military operations of the Luke Air Force Base defined in Arizona Revised Statutes ARS 28-8481(K).

GENERAL PLAN CONFORMITY:

The subject parcel is designated as “Commerce & Office” as defined in the General Plan 2035. The zoning designation of Business Park (BP) is an allowed use in this designation. (Exhibit E)

PURPOSE OF REQUEST:

Residential uses are not allowed on the subject parcel yet it is still zoned Rural Residential (RR/R1-43). The owners desire to rezone the property enabling the property to be developed in harmony with the surrounding parcels. The owner has no immediate plans to develop the site. Once rezoned, the property will be marketed for appropriate uses.

Exhibit A

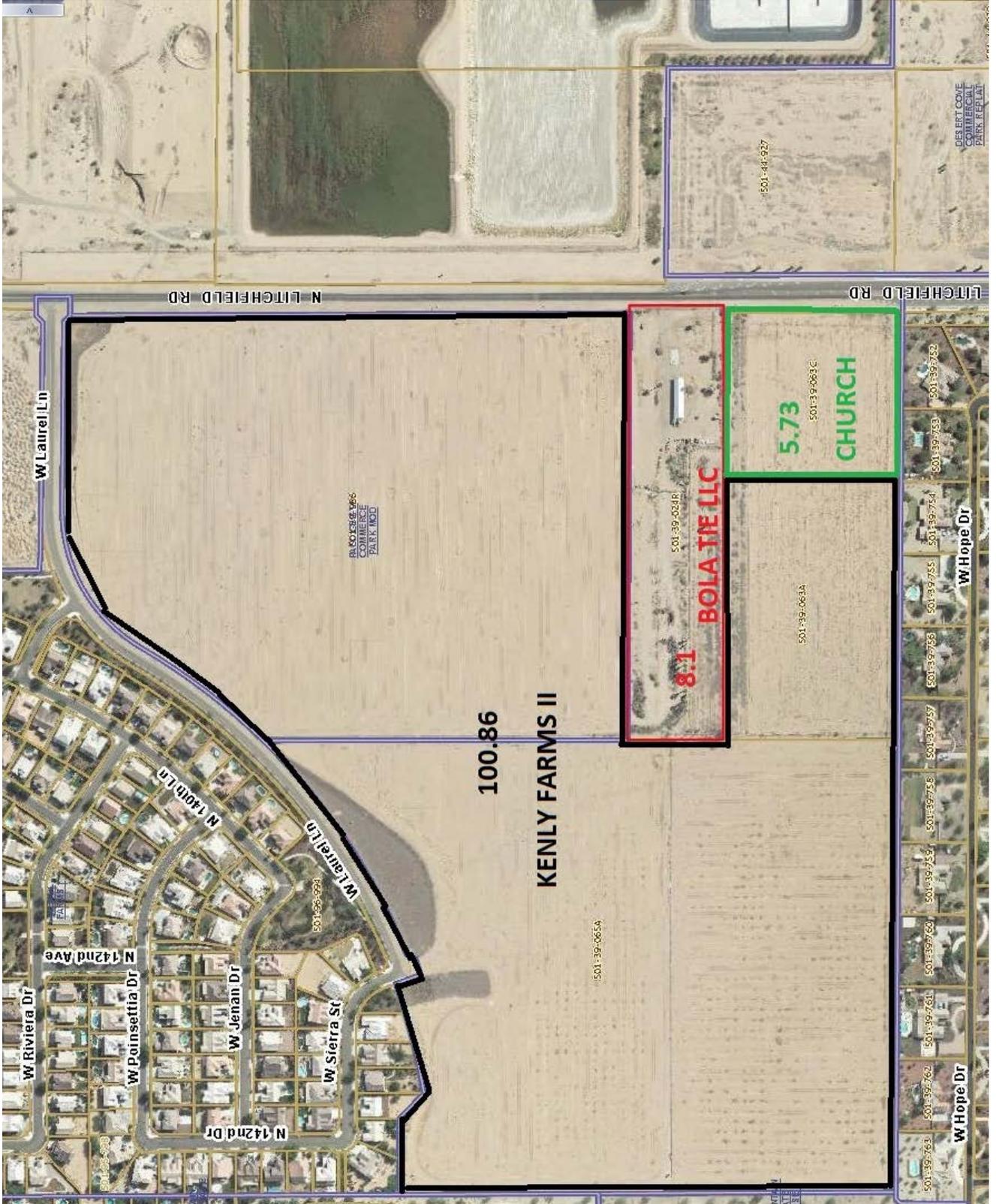


Exhibit B

ORDINANCE NO. 03-20

AN ORDINANCE APPROVING THE REZONING RZ03-173, CONSISTING OF CHANGING THE ZONING OF APPROXIMATELY 105.69 ACRES FROM R1-43 TO PLANNED AREA DEVELOPMENT TO INCLUDE THE USES DESCRIBED IN ARS §28-8481(K) AND ALL OTHER USES DEEMED COMPATIBLE WITH MILITARY OPERATIONS BY THE CITY OF SURPRISE AND LUKE AIR FORCE BASE. THE SUBJECT SITE IS LOCATED SOUTH OF CACTUS ROAD, WEST OF LITCHFIELD ROAD.

WHEREAS, this Ordinance has been properly noticed for public hearing and the necessary hearings and opportunity for public input have been completed; and

WHEREAS, changes have occurred in the vicinity of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, which require that the zoning of a parcel of land in that area be changed; and

WHEREAS, rezoning of the subject property will not cause traffic congestion or depreciate surrounding property values and, at the same time is in harmony with the purposes and intent of the zoning ordinance, the plan for the area, and the Surprise General Plan 2020; and

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Surprise, Arizona, that:

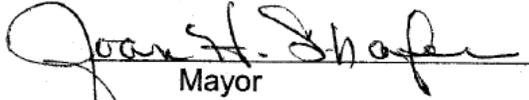
Section 1. This Ordinance is not of a general and permanent nature and shall not be codified.

Section 2. The property described in Exhibit A is rezoned from R1-43 (Single Family Residential) to Planned Area Development (PAD) zone with the uses described in Exhibit B, and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. The uses listed in Exhibit B are compatible with Arizona Revised Statutes §28-8481(K), and are consistent with those permitted in Commercial (2), Commercial (3), Business Park and Industrial (1) zones (per Title 17 of the Surprise Municipal Code).

Section 3. All present and future owners of the property described on Exhibit A shall develop the property only in accordance with the requirements of this Ordinance and the stipulations contained in Exhibit C.

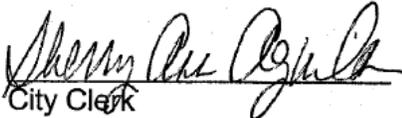
Section 4. This Ordinance shall become effective thirty-one (31) days after formal passage by the council.

PASSED AND ADOPTED THIS 24 day of July, 2003


Mayor

ATTEST:

APPROVED AS TO FORM:


City Clerk


City Attorney

YEAS: Mayor Shafer, Vice-Mayor Cox, Council Members; Allen,
Arismendez, Bails, & Sullivan. (Excused-Vukanovich)

NEAS: _____

LEGAL DESCRIPTION

PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SECTION 21;

THENCE SOUTH 00 DEGREES 06 MINUTES 00 SECONDS EAST, 2529.33 FEET;

THENCE NORTH 89 DEGREES 36 MINUTES 19 SECONDS WEST, 1309.76 FEET;

THENCE SOUTH 00 DEGREES 34 MINUTES 48 SECONDS EAST, 278.38 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 07 SECONDS EAST, 771.96 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 518.71 FEET;

THENCE NORTH 89 DEGREES 20 MINUTES 46 SECONDS WEST, 2107.82 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 31 SECONDS WEST, 3332.49 FEET,

THENCE SOUTH 89 DEGREES 13 MINUTES 22 SECONDS EAST, 2640.91 TO THE TRUE POINT OF BEGINNING.

CONTAINING 187.27 ACRES OF LAND, MORE OR LESS.

EXCEPT 33 FEET THEREOF FOR ROAD PURPOSES ALONG THE NORTH AND EAST LINES OF SECTION 21;

AND EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 21 FROM WHICH THE CENTER QUARTER CORNER OF SECTION 21 BEARS SOUTH 00°01'20" EAST, A DISTANCE OF 2639.72 FEET;

THENCE SOUTH 00°01'20" EAST ALONG AND WITH THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 21, A DISTANCE OF 33.00 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID SECTION LINE SOUTH 89°13'22" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CACTUS ROAD, A DISTANCE OF 1840.20 FEET;

LEGAL DESCRIPTION

THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00°00'59" WEST, A DISTANCE OF 839.34 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 530.00 FEET, THE CENTER WHICH BEARS NORTH 06°36'13" EAST;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°49'02", A DISTANCE OF 72.31 FEET;

THENCE NORTH 75°34'45" WEST, A DISTANCE OF 83.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 12.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 85°33'20", A DISTANCE OF 17.92 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 530.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°01'17", A DISTANCE OF 46.45 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 1782.70 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°21'03", A DISTANCE OF 664.31 FEET;

THENCE SOUTH 46°34'56" WEST, A DISTANCE OF 83.68 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1782.70 FEET, THE CENTER WHICH BEARS NORTH 42°04'22" WEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°58'29", A DISTANCE OF 434.81 FEET;

THENCE SOUTH 63°05'02" WEST, A DISTANCE OF 73.55 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1782.70 FEET, THE CENTER WHICH BEARS NORTH 25°44'03" WEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°42'59", A DISTANCE OF 520.11 FEET TO A POINT OF REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 12.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°03'06", A DISTANCE OF 7.55 FEET;

THENCE NORTH 45°04'10" WEST, A DISTANCE OF 106.25 FEET;

LEGAL DESCRIPTION

THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 223.31 FEET TO A POINT ON THE AFORESAID NORTH-SOUTH MID-SECTION LINE;

THENCE NORTH 00°01'20" WEST ALONG AND WITH SAID MID-SECTION LINE A DISTANCE OF 1848.48 FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 65.24 ACRES OF LAND, MORE OR LESS.

AND EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 21 FROM WHICH THE EAST QUARTER CORNER BEARS SOUTH 00°00'59" WEST 2635.01 FEET;

THENCE SOUTH 00°00'59" WEST ALONG AND WITH THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 32.56 FEET;

THENCE SOUTH 89°59'01" EAST, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LITCHFIELD ROAD AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°00'59" WEST, ALONG AND WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 782.07 FEET;

THENCE DEPARTING AFORESAID RIGHT-OF-WAY LINE NORTH 89°13'22" WEST, A DISTANCE OF 717.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 470.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°40'18", A DISTANCE OF 54.73 FEET;

THENCE NORTH 00°00'59" EAST, A DISTANCE OF 778.89 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CACTUS ROAD;

THENCE SOUTH 89°13'22" EAST ALONG AND WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 772.07 FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 13.86 ACRES OF LAND, MORE OR LESS.

TABLE OF COMPATIBLE USES FOR KENLY FARMS, PHASE II PAD

Transportation, communications, and utilities

Highway and street right-of-way	Communications (noise sensitive)
Motor vehicle parking	Utilities
Other transportation, communications and utilities	

Commercial/retail trade

Wholesale trade	Apparel and accessories-retail
Building materials-retail	Eating and drinking places
General merchandise-retail	Furniture and home furnishings-retail
Food-retail	Other retail trade
Automotive and marine	

Personal and business services

Finance, insurance and real estate	Contract construction services
Personal services	Indoor recreation services
Business services	Other services
Repair services	

Industrial/manufacturing

Food and kindred products	Stone, clay and glass products
Textile mill products	Furniture and fixtures
Apparel	Paper and allied products
Printing and publishing	Fabricated metal products
Professional, scientific and controlling instruments	Miscellaneous manufacturing

Public and quasi-public services

Government services	Nonprofit organizations
Cultural activities, including churches	Cemeteries
Medical and other health services	Other public and quasi-public services

Outdoor recreation

Playgrounds and neighborhood parks	Water based recreational areas
Community and regional	Auditoriums and concert halls
Nature exhibits	Golf courses
Other outdoor recreation	

Resource production, extraction, and open space

Agriculture (except livestock)	Forestry activities
Fishing activities and related services	Permanent open space

RECOMMENDATIONS: (RZ03-173)

Subject request is consistent with the Surprise General Plan 2020 and the approved Kenly Farms rezone. Approval of this request would allow for efficient and orderly development. Staff recommends that the Planning and Zoning Commission recommend approval of Rezone for Kenly Farms II (RZ03-173), subject to the following stipulations:

STANDARD STIPULATIONS:

- a) Major changes to this P.A.D. with regard to use and intensity, must be processed as a revised application with approval by the City Council upon recommendation of the Planning and Zoning Commission. Minor changes to this P.A.D. may be administratively approved by the City Manager and the Community Development Director.

**REPORT TO THE PLANNING AND ZONING COMMISSION
AND THE CITY COUNCIL**

PREPARED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

CASE NO.: RZ03-173

(Kenly Farms II, Rezone)

STIPULATIONS: a

PREPARED BY: Scott Phillips, 623.875.4318

Planning & Zoning Commission Hearing Date:

July 8, 2003

City Council Hearing Date:

July 10, 2003

APPLICANT: City of Surprise

OWNER: Western Rose Growers
8643 N. 14th Avenue
Phoenix, AZ 85021

REQUEST: Approval of a Rezone from R1-43 to PAD
(employment)

SITE LOCATION: Subject site is located south of Cactus Road, west of Litchfield Road and east of Bullard Avenue. It is located in the south east portion of Section 21, Township 3 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

SITE SIZE: 105.69 gross acres

CONFORMANCE TO ADOPTED LAND USE PLANS:

GENERAL PLAN: If approved, this request would comply with the General Plan 2020 and the corresponding General Plan Land Use Map.

COMMENTING JURISDICTIONS:

Town of Buckeye:	No comments were received.
City of El Mirage:	No comments were received.
City of Peoria:	No comments were received.
Maricopa County:	No comments were received.

Dysart Unified School District:	No comments were received.
Maricopa Water District:	No comments were received.
Luke Air Force Base:	No comments were received.

DEPARTMENTAL REVIEW:

The **Engineering Department** has reviewed this application and has no additional comments.

The **Fire Department** has reviewed this application and no additional comments..

The **Public Works Department** has reviewed this application and has no additional comments.

The **Water Services Department** has reviewed this application and has no additional comments.

STAFF RECOMMENDATION:

Staff **recommends** that the Planning and Zoning Commission recommend **approval** of Kenly Farms II Rezone, (RZ03-173), subject to the stipulations listed under "Recommendations."

EXISTING AND SURROUNDING ZONING:

- | | | |
|----|----------|------------------------------|
| 1. | ON-SITE: | R1-43 |
| | NORTH: | R1-8 and C-2 (Kenly Farms I) |
| | EAST: | I-1 (City of Surprise) |
| | SOUTH: | R1-43 (Mountain Gate) |
| | WEST: | PAD (Mountain Gate) |

EXISTING AND SURROUNDING LAND USE:

- | | | |
|----|----------|-------------------------|
| 2. | ON-SITE: | Agriculture/Vacant Land |
| | NORTH: | Agriculture/Vacant Land |
| | EAST: | Vacant Land |
| | SOUTH: | Agriculture/Vacant Land |
| | WEST: | Agriculture/Vacant Land |

ADJACENT ROAD STATUS:

3.

Street Name	Right-of-	Pavement	Landscaping	# of Lanes in	Sidewalks
-------------	-----------	----------	-------------	---------------	-----------

	Way	Width		each direction	
Cactus Road	110 feet	30 feet	None	1lane	6' required
Litchfield Road	110 feet	30 feet	None	1 lane	6' required

EXISTING UTILITIES AND SERVICES STATUS:

4. **WATER** City of Surprise
5. **SEWER** City of Surprise
6. **FIRE PROTECTION** The Surprise Fire Department currently has fire stations located at: 15616 North Hollyhock Street, 18600 N. Reems Road, and a temporary station located at 22443 N. 163rd Avenue.
7. **POLICE PROTECTION** The Surprise Police Department currently has a station located at 12425 W. Bell Road and a substation located at 18600 Reems Road.

PLAN ANALYSIS:

PROPOSAL

8. The City Council has initiated a rezone of the Kenly Farms II piece in order to bring the property into compliance with the General Plan 2020.
9. The City is moving forward with a rezone to change the zoning of the property from a R1-43 zone (Single Family Residential) to a P.A.D. zone to include the uses described in ARS 28-8481(K) and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. Those uses are found within the C-2, C-3, BP and I-1 zones, as described in Title 17 of the Municipal Code.
10. The property described in Exhibit A is rezoned from R1-43 (Single Family Residential) to Planned Area Development (P.A.D.) zone with the uses described in Exhibit B, and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. The uses listed in Exhibit B are consistent with those permitted in C-2, C-3, BP and I-1 zones (per Title 17 of the Surprise Municipal Code), as well as those used deemed compatible in ARS 28-8481(K).

EXISTING CONDITIONS

11. The subject site has been farmed and is currently used for agricultural purposes.

12. This property is almost entirely flat with exception of a very gentle slope to the southeast of the property. The applicant has provided the required storm water retention areas within the project. The Engineering Department has reviewed the preliminary drainage information for the proposed project

KENLY FARMS DESIGN ELEMENTS

13. Any site plan for the site will be required to meet the criteria as set forth in the Planning and Design Guidelines Manual or any subsequent requirements as approved by the City of Surprise.

PHASING

14. No phasing plan is proposed at this time.

NOISE

-
15. This property is located within the noise contours of the 1988 JLUS (Joint Land Use Study) as recognized by the City of Surprise. Therefore, this property is subject to overflights from Luke Air Force Base and appropriate noise attenuation will be required in any construction.

CONCLUSION:

16. This property is proposed to be rezoned in order to protect the public health, safety and welfare. Additionally, the property is in compliance with the City of Surprise General Plan 2020.



CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM

#10

Meeting Type: Regular Meeting Time Scheduled: July 24, 2003 7:00 PM
If Special submit date time

Submitting Department: CEDD Contact Person: Phil Testa

Consent Regular Requesting Action Report Only

Type of Document Needing Approval (Check all that apply):

- Public Hearing
- Agreement
- Special Consideration
- Acceptance
- Resolution
- Emergency Clause
- Grant
- Submission
- First Reading/Ordinance
- Final Reading/Ordinance
- Intergovernmental Agreement
- Liquor/Bingo License Application

Council Priority (Check Appropriate Areas):

- Education
- Job Creation
- Public Safety
- Transportation
- City Elections
- Public Fitness
- Quality Service Delivery
- Housing Rehabilitation
- Human Service Needs
- Community Activities
- Neighborhood Revitalization
- Employment Infrastructure
- Work Force Preparation
- Parks, Recreation & Library
- Community Growth

Regular Agenda Wording: Discussion, consideration and action to approve Ordinance No. 03-20; An Ordinance approving the rezoning RZ03-173, consisting of changing the zoning of approximately 105.69 acres from R1-43 to Planned Area Development to include the uses described in ARS §28-8481(k) and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base. The subject site is located south of Cactus Road, west of Litchfield Road.

Staff Recommendation: Approve Fiscal Impact: Yes If yes: Budget code: Additional new development will have long term financial implications for the City of Surprise.
Available:

Background Info: The Planning and Zoning Commission recommended approval on application RZ03-178, a rezone from R1-43 to PAD, on July, 8 2003.

List Attachments as Follows: Ordinance/Staff Report/Supporting Documentation.

Signatures of Submitting Officers (Sign Legibly):

Phil Testa
Department Head

Supervisor

Phil Testa
Budget Authorization

[Signature]
Legal Review

Jim Rumpeltes
City Manager/Designee

Distribution After Council Action: Council Action:

<i>Shelley H.</i>	Motion/Second	Results:	
<i>agenda fill</i>	Shafer	For	<u>6</u>
	Vukanovich	Against	<u>0</u>
	Arismendez	Passed	<input checked="" type="checkbox"/>
	Cox	Failed	
	Sullivan	Deny	
		Continue	

**CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM**

<hr/>	Bails	<u>M</u>	Tabled	<hr/>
<hr/>	Allen	<hr/>	Absent	<u>1</u> (Vukanovich)
			Other	<hr/>

City Clerk: Originals — *Rosa*
Sent Nex & DNS

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
City Clerk's Office
6235833396
Aug-4-03 12:48PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
775	8/ 4 12:42PM	0'00"	96238762589	Send	0		Remote Fax was Busy
775	8/ 4 12:46PM	1'59"	623 876 2589	Send	8/ 8	EC144	Completed

Total 1'59" Pages Sent: 8 Pages Printed: 0



SURPRISE
ARIZONA

Facsimile Transmittal - City Clerk's Office

To: Janet Gerber Fax: 623-876-2589
Attention: Daily News-Sun Phones: 623-876-2547
From: Rosa Herrera, Deputy Clerk Phones: 623-875-4213
Date: 08/04/03 Pages: 8
Re: Publication of Ordinance No. 09-20

Urgent For Review Please Comment Please Reply Other

Please publish the above-mentioned ordinance on the following four (4) dates:

Thursday 08/07/03
Friday 08/08/03
Monday 08/11/03
Tuesday 08/12/03

Please call me to confirm receipt.

Thank you.

13425 W. Bell Road, Suite D-100, Surprise, AZ 85374, Fax (623) 583-3396

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
City Clerk's Office
6235833396
Aug-4-03 1:26PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
776	8/ 4 1:12PM	14'16"	206 343 3038	Send.....	26/26	EC 96	Completed.....

Total 14'16" Pages Sent: 26 Pages Printed: 0



SURPRISE
ARIZONA

Facsimile Transmittal - City Clerk's Office

To: Dave Hottel Fax: 1-425-460-6822
Agency: Matthew Bender & Co., Inc. Phones: 1-866-501-5155
From: Rosa Herrera, Deputy Clerk Phones: 623-875-4213
Date: 08/04/03 Pages: 26
RE: Ordinance Nos. 03-05, 03-11, 03-17, 03-18, 03-20

Urgent For Review Please Comment Please Reply Other

Attached is a copy of the above-mentioned ordinance:

Ord. #	# of pages
03-05	8
03-11	5
03-17	3
03-18	2
03-20	7

Status report as follows:

Ord. #	Description	Status
02-17	Theatres as Conditional Use	Pending
02-35	Noise Section of the Code	Pending
02-44	Amending Animal Control Section - SMC	Pending
03-02	Zoning Text Amendment - Setbacks	Pending
03-03	Appointments of certain Dept. Heads	Pending
03-19	Changing Vice Mayor term	Pending
03-21	Rezone - Sierra Verde	Pending

If you have any questions, please call me at 623-875-4213. Thank you.

13426 W. Bell Road, Suite D-180, Surprise, AZ 85374, Fax (623) 883-3386

Exhibit C

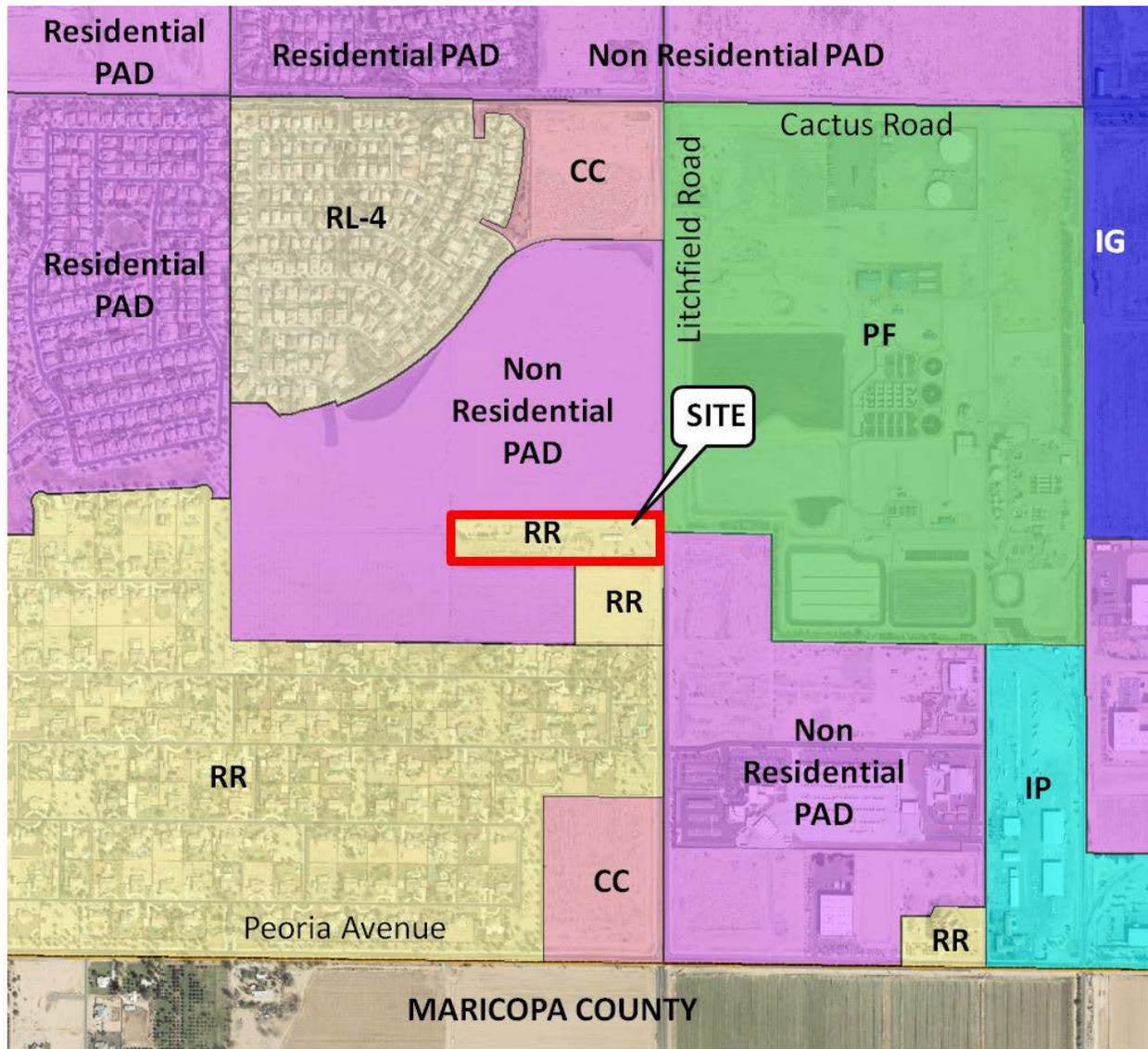


Exhibit D

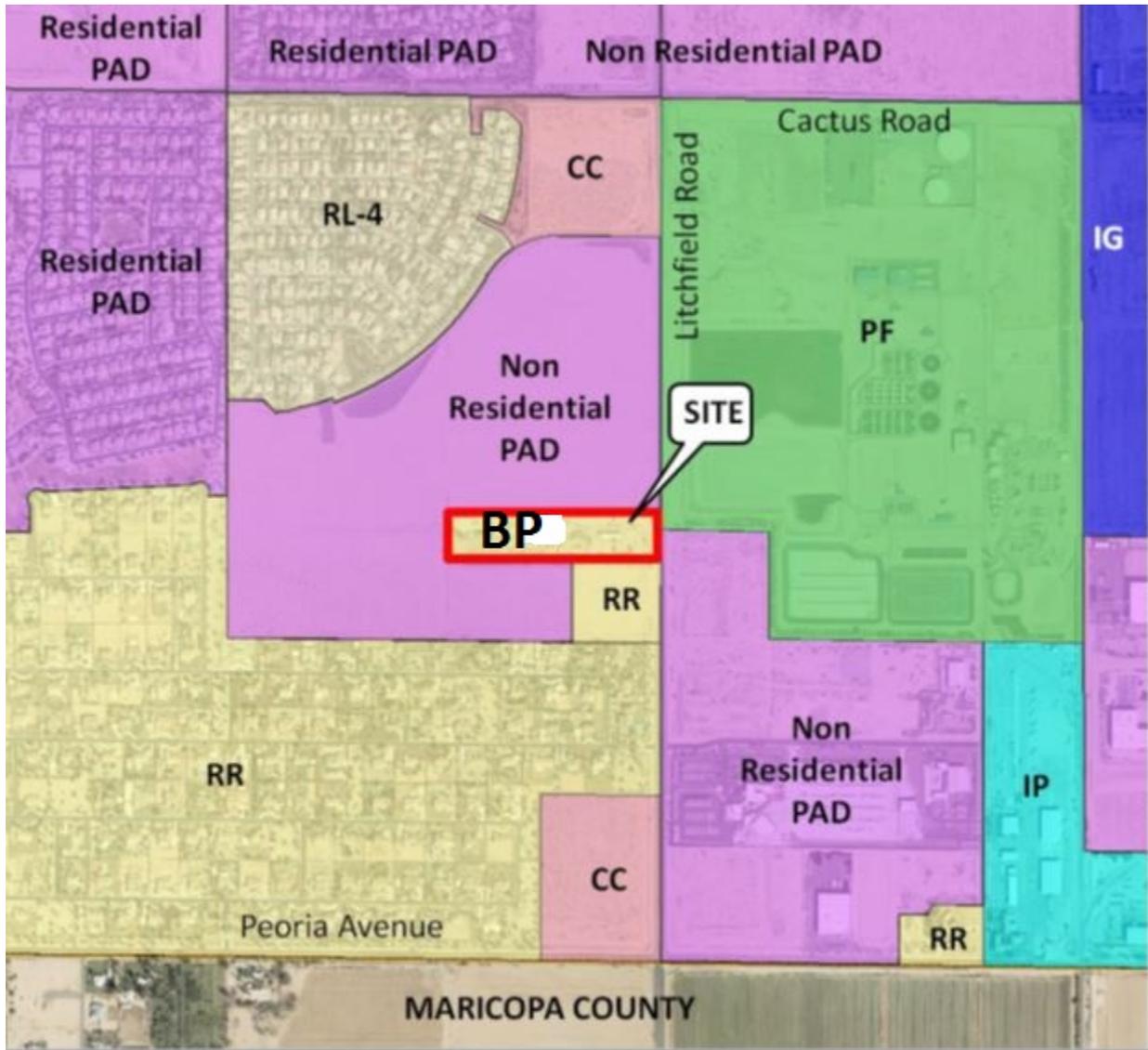
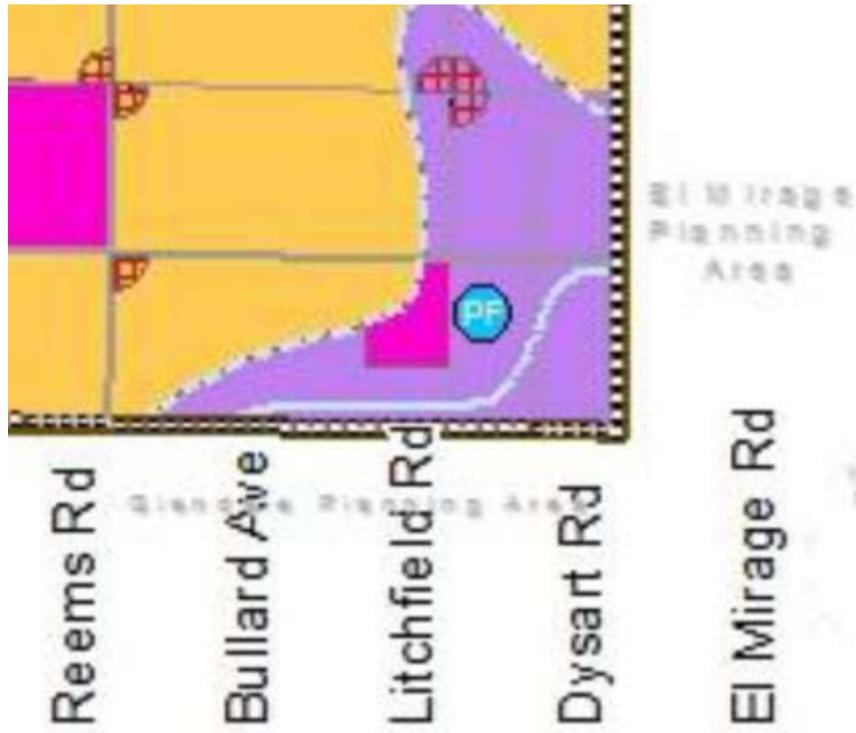


Exhibit E



Character Areas

- Neighborhood
 - Rural
 - Suburban
 - Urban
- Commerce & Office
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment
 - Business Park
 - Industrial
- Open Space

Exhibit F

EXHIBIT A BOLA TIE 8.1 ACRES

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, WHICH IS THE NORTHEAST CORNER OF PARCEL ONE OF THE GIFT DEED DATED MAY 24, 1994, AND RECORDED IN DOCUMENT 94-0419715, HEREIN REFERRED TO AS "PARCEL ONE OF THE GIFT DEED";

THENCE SOUTH 00°06'00" EAST (BASIS OF BEARINGS), 2529.33 FEET (SOUTH 00°06'00" EAST, 2529.94 FEET MEASURED), ALONG THE EAST LINE OF SECTION 21, TO THE SOUTHEAST CORNER OF PARCEL ONE OF THE GIFT DEED, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°06'00" EAST, 105.11 FEET, ALONG THE EAST LINE OF SECTION 21, TO THE EAST QUARTER CORNER OF SECTION 21;

THENCE SOUTH 00°00'00" EAST, 169.89 FEET (SOUTH 00°06'12" EAST, 169.89 FEET MEASURED), ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TO THE NORTHEAST CORNER OF PARCEL TWO OF THE GIFT DEED DATED MAY 24, 1994, AND RECORDED IN DOCUMENT 94-0419715, HEREIN REFERRED TO AS "PARCEL 2 OF THE GIFT DEED";

THENCE NORTH 89°45'07" WEST, 1307.11 FEET (NORTH 89°51'21" WEST, 1307.23 FEET MEASURED), A LONG SAID NORTH LINE OF PARCEL 2 OF THE GIFT DEED TO THE NORTHWEST CORNER OF PARCEL 2 OF THE GIFT DEED;

THENCE NORTH 00°34'48" WEST, 278.38 FEET (NORTH 00°36'36" WEST, 278.36 FEET MEASURED), TO THE SOUTHWEST CORNER OF PARCEL 1 OF THE GIFT DEED;

THENCE SOUTH 89°36'19" EAST, 1309.76 FEET (SOUTH 89°42'30" EAST, 1276.76 FEET MEASURED), ALONG THE SOUTH LINE OF PARCEL 1 OF THE GIFT DEED TO THE TRUE POINT OF BEGINNING.

CONTAINS 352,927 SQUARE FEET OR 8.10 ACRES, MORE OR LESS.



EXPIRES: 09/30/2012